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01AB082/ALBRP230US

REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 1, 5, 18, 24, 29, and 34 have been amended herein. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-34 Under 35 U.S.C. §102(b)

Claims 1-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Joao (US 6,549,130). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Joao does not disclose each and every element set forth in applicant's claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed invention relates to a system that electronically locks the physical operation of dangerous equipment by analyzing electronic key data. The electronic key and lock system is used in place of physical locks on circuit breakers and the like. In particular, independent claim 1 as amended (and similarly amended independent claims 18, 29, and 34) recites a system that electronically controls a physical operation of dangerous equipment comprising an electronic key that stores electronic key data, *the electronic key data comprises at least one of key holder information, key holder task, and estimated time to complete the key holder task*, an electronic key reader that reads the electronic key data from the electronic key, an electronic key data analyzer that is associated with the electronic key reader, the electronic key data analyzer analyzes the read electronic key data by determining parameters for disabling the dangerous equipment and generates disconnect control data based, at least in part, on the electronic key data and a disconnecter that is associated with the electronic key data analyzer and the dangerous equipment, the disconnecter disables and re-enables operation of the dangerous equipment,

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based at least in part on the disconnect control data. Joao does not teach or suggest such claimed aspects.

Joao relates to an anti-theft system that enables an authorized user to disable a vehicle remotely by sending a disable code if it is stolen. (See Summary). The Examiner contends the arming device of Joao anticipates the electronic key and electronic key data of the subject invention. Applicant's representative respectfully disagrees with this contention. The arming device of Joao is used to arm or activate the anti-theft apparatus. After arming, if the vehicle ignition system is activated, a password must be entered through the activation device within a specified time period to prevent the vehicle from being disabled. (See col. 42, line 45 – col. 44, line 13). Thus, Joao discloses an arming device with a password and is silent regarding *electronic key data comprising at least one of key holder identity information, key holder task, and estimated time to complete the key holder task*. Therefore, Joao fails to disclose, teach or suggest this limitation.

Furthermore, Joao does not teach or suggest an electronic key data analyzer that analyzes the electronic key data and determines parameters for disabling the dangerous equipment as asserted by the Examiner. Rather, Joao discloses the matching of an inputted pass code with a predetermined or programmed pass code of the apparatus. Joao is silent regarding the consideration of other information other than the inputted pass code such as identity information or task information. Thus, Joao matches a pass codes and nowhere discloses analyzing key holder identity information, key holder task, or estimated time to complete the key holder task to determine parameters for disabling the dangerous equipment.

In view of at least the foregoing, it is readily apparent that Joao fails to disclose, teach or suggest all limitations of the subject claims. Accordingly, this rejection with respect to independent claims 1, 18, 23, 24, 29, and 34 (and the claims that depend therefrom) should be withdrawn.

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CONCLUSION

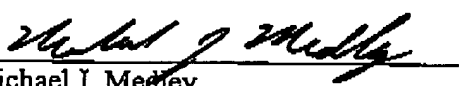
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP230US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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